

CHAPTER 11

ANNEXATION/INCORPORATION ELEMENT

INTRODUCTION

The *Annexation Element* is an essential part of the *20-Year Plan* because the stated intent of the *Growth Management Act (GMA)* is that urban development occur within cities (or areas that eventually will be cities) either through annexation or incorporation. Currently in Clark County, large unincorporated areas are developed at urban densities. The transition of these areas to cities is a process that will require the cooperation of the county, cities and towns, as well as special districts. The *Countywide Planning Policies (CWPP)* adopted by the Board of County Commissioners provide a framework for addressing regional issues for both the county and its cities. Like the county, each city or town is also required to develop an Annexation element within its comprehensive plan.

HISTORY

In 1967, the State of Washington recognized and addressed the issue of coordinating jurisdictional changes in unincorporated areas by creating Boundary Review Boards (BRBs). BRBs were formed to "...provide a method of guiding and controlling the creation and growth of municipalities in metropolitan areas so that ... residents and businesses in those areas may rely on logical growth of local government affecting them" (*RCW 36.93.010*). In 1970, the Clark County Board of Commissioners established a local BRB for the county.

In reaching a decision on an annexation request, the BRB must consider the following factors:

- population and territory;
- population density;
- land uses;
- comprehensive plans and zoning;

- assessed value;
- topography; natural boundaries and drainage basins;
- proximity to populated areas and likelihood of significant growth; and,
- other factors which may be unique to that proposal such as location and desirable future location of community facilities.

BRBs must also consider the effect of the proposed annexation on adjacent areas, mutual economic and social interests and the local governmental structures. However, BRB decisions must be based on legislatively defined objectives which must be weighed and balanced. For annexations, BRB decisions must find that one or more of the following objectives has been achieved:

- preservation of natural neighborhoods and communities;
- use of physical boundaries such as bodies of water, topography, or major roads;
- prevention of abnormally irregular boundaries;
- adjustment of impractical boundaries;
- annexation to cities or towns of unincorporated areas which are urban in character;
- protection of agricultural and rural lands which are designated for long-term productive agricultural and resource use by the comprehensive plan;
- provision of adequate services at an urban level of service; and,
- creation and preservation of a logical service area.

Decisions of the BRB must be consistent with the *GMA*, specifically with the provisions of

concurrency, comprehensive plans and urban growth areas for annexation.

Under the provisions of the *GMA*, counties may disband BRBs when they and other affected jurisdictions have adopted ordinances or resolutions necessary to implement the adopted comprehensive plans. However, a review board of some type is needed, and required, under city annexation standards in *RCW 35.13.171*, to address issues that may

arise when a city proposes annexation of land under the jurisdiction of the county. In addition, the *Countywide Planning Policies*, and state regulations will assist local jurisdictions in making future decisions regarding annexations.

Under Washington State law, annexation is accomplished by two methods, the basic provisions of each are presented in *Table 11.1*.

Table 11.1 Annexation Methods and Procedures

ANNEXATION METHOD	PROCEDURE
PETITION RCW 35.13.130	The petition must be signed by the owners of not less than 75% in value according to the assessed valuation for general taxation of the property for which annexation is petitioned.
ELECTION RCW 35.13.020	A Petition for an election signed by a minimum of 20% of the voters who voted in the last election, certified by the Prosecuting Attorney of the county. A date is then established for an election. A simple majority of the voters determines the outcome of an annexation election.

The annexation of contiguous, unincorporated territory may also be initiated by resolution of the legislative body of the city desiring to annex. The election process is similar to annexation by the petition method. Again, only those areas which are in an urban growth area may be annexed under *GMA*.

GOALS AND POLICIES

The CWPP provides a framework for the issues that need to be addressed within the *20-Year Plan*. Cities and towns are required to designate areas to be annexed and develop a plan for providing urban services and facilities to those areas. Annexation cannot occur beyond the urban growth areas. Identified annexation areas within the urban growth area should annex or commit to annex in order to receive a full range of city provided urban services.

GOAL 11.1: Establish the orderly transition of unincorporated area within the urban growth boundary from county jurisdiction to the appropriate municipality, either through annexation or incorporation.

Policies:

11.1 Establish agreements regarding land use regulations and provision of services in the urban growth areas outside existing cities or towns addressing:

- a. proposed land use designations;
- b. levels of service expected to be provided by each affected jurisdiction;
- c. resolution of any differences in regulations relative to development proposals;
- d. review of development proposals;
- e. definition of urban and regional roles prior to and after annexation of an area;
- f. determination of sewer and water extension policies, especially as they relate to special districts or purveyors;
- g. determination of the effect of annexation on any interlocal agreement between the county and municipality; and,
- h. determination of methods for resolving annexation disputes.

11.2 Establish agreements for appropriate allocation of financial burdens resulting from the transition of land from county to city jurisdiction.

11.3 Develop, in cooperation with the jurisdictions, a standard system or process to assess each proposed annexation. At a minimum, the following issues should be addressed:

- a. financial impacts to both the city or town and the county;
 - b. transition of services such as public safety, parks and recreation, transportation and utility services;
 - c. adequacy of government services including social services; and,
 - d. preservation of logical service areas.
- 11.4 Each jurisdiction shall provide the county with its plan and timeline for annexations and, if applicable, any triggering mechanisms or thresholds which would initiate annexation.
- 11.5 Public information shall be provided jointly or individually by both the county and annexing jurisdiction for annexation proposals so that residents have adequate information to make a decision.

